

**From:** hermest@thebestisp.com@inetgw  
**To:** Microsoft ATR  
**Date:** 12/11/01 1:54pm  
**Subject:** Microsoft Settlement

To whom it may concern,

I write to express my serious reservations about the terms and language of the proposed settlement of the Microsoft Corporation's antitrust violations conviction.

My first objection is to any acceptance of the distribution of any Microsoft product as an element of the remedy. Considering that the case against Microsoft centered on a product the corporation gave away as part of a strategy to prevent competition, exercise market dominance and abuse the position that a monopolistic control of any market affords, it seems almost comical that software giveaways, particularly to a captive audience such as schoolchildren, would even be considered by the Department of Justice.

I also object to the language of the proposed settlement in several particular instances. In particular, it is generally recognized and has been acknowledged by Microsoft that one of the greatest current threats to their continued market dominance is open-source software and operating systems such as Linux and Apache. I point specifically to Section III(J)(2) which gives Microsoft the power to define "reasonable, objective standards established by Microsoft for certifying the authenticity and viability of [businesses for which Microsoft must license API, Documentation, and Communications Protocols affecting authentication and authorization]."

For these standards to be truly reasonable and objective, they cannot be defined by the Microsoft corporation. Furthermore, the general language of the proposal must be changed to reflect the protection of not-for-profit corporations as such organizations are clearly poised to play an integral role in the creation of a more freely competitive and thus healthy capitalistic software business environment. In the increasingly networked world of computer software the control of authentication and authorization is tantamount to the control of software markets. While standards are necessary to insure that corporations are not forced to authenticate and authorize "nuisance" entities, definitions must be established by objective standards bodies representing all major players including critical not-for-profits such as the Apache Foundation.

Again, under the definitions in Section III(D) it is only necessary for Microsoft to disclose the information necessary to make software inter-operate with Windows at the "middleware" level to commercial entities. It should be noted that not only not-for-profit but Governmental agencies risk being excluded by the narrow and commercial-centric nature of these definitions. Again, Microsoft must

not be allowed to define these terms as it renders the antitrust decision against them virtually powerless.

Thank you very much for your consideration of these objections.

Sincerely,

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